



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF VETERINARY MEDICAL EXAMINERS

1100 RAYMOND BOULEVARD—ROOM 513  
NEWARK, NEW JERSEY 07102  
201-648-2841

PETER N. PERRETTI, JR.  
ATTORNEY GENERAL

JAMES J. BARRY, JR.  
DIRECTOR

October 25, 1989

Delfin O. Tumibay, DVM  
Amity Animal Clinic  
211 Washington Avenue  
Belleville, New Jersey 07109

Re: Case #89-74

Dear Dr. Tumibay:

This is to advise you that the Board of Veterinary Medical Examiners has received and reviewed certain information regarding activity in which you were engaged as a Board licensee. The Board's review indicated that you committed repeated acts of negligence and acts of malpractice within the meaning of N.J.S.A. 45:1-21(d), in the treatment of a cat owned by Vera Pesaniello and presented to you in July 1989, namely:

- 1) you failed to properly treat the animal;
- 2) you did not respond to an apparent emergency;
- 3) post surgical monitoring was not done; and
- 4) you did not properly maintain medical records.

You are hereby offered the opportunity to settle this matter and avoid the initiation of formal disciplinary proceedings by signing the enclosed certification and paying a civil penalty in the amount of \$2,500. The penalty is to be remitted by check made payable to the State of New Jersey.

Alternatively, you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will consider this statement and render a final decision thereon. You may also request a hearing in which case the matter will be scheduled and this notice will serve as a complaint. At the hearing you may, either personally or with the assistance of an attorney, submit such testimony or other evidence as you may deem necessary in order for the Board to finally determine whether the unlawful acts set forth herein have been proven.

You should also be aware that upon final evaluation of the evidence submitted at the hearing, the Board may, if unlawful acts are found to exist, assess civil penalties in an amount greater than that herein offered in settlement. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring the restoration of any monies acquired by unlawful acts, the payment of costs and directing that you cease and desist from continued use of those acts found to be unlawful.

The enclosed certification should be returned to the Board with your indicated course of action within ten days following receipt hereof. In the event that the Board receives no response within ten days, the allegations contained herein shall be deemed admitted and the Board will proceed to finally review this matter and enter an appropriate final order in relation thereto.

Very truly yours,

Maurice W. McQuade  
Executive Director

MWM/lj  
Encl.  
c.r.r.

CERTIFICATION

Case No. 89-74 Vera Pesaniello VS Delfin O. Tumibay, DVM

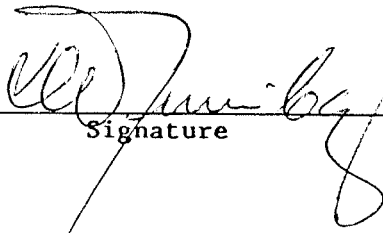
I have received the Board's letter dated 10. 25 89  
regarding alleged violations.

Please check one:

☒ The allegations setforth therein are acknowledged and I enclose  
herewith a check in the amount of \$ 2,500 payable to the  
"State of New Jersey". Assurance is hereby given that the  
conduct alleged in the notice will not continue or reoccur.

☐ I hereby waive any right which I may have to a hearing in this  
matter and submit a written statement for the Board's final  
consideration in this matter.

☒ A hearing on this matter before the Board is hereby requested.

  
Signature

DATED: 10/27/89

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